

Message Text

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC 1339

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C O N F I D E N T I A L SECTION 1 OF 3 PRAGUE 3109

E.O. 11652: GDS

TAGS: PFOR SCUL CZ

SUBJECT: CULTURAL AND SCIENTIFIC EXCHANGE TALKS - OCT 22 MEETING

REFS: A. STATE 257141, B. PRAGUE 2930

1. BEGIN SUMMARY: IN FREQUENTLY STORMY THREE AND ONE-HALF HOUR SESSION OCT 22, U.S. AND CZECHOSLOVAK NEGOTIATORS BATTLED OVER CHANGES RECENTLY INTRODUCED INTO U.S. NEGOTIATING TEST (REF A), REACHED COMPROMISES ON CERTAIN POINTS, BUT AGAIN FAILED TO REGISTER PROGRESS ON HOW "INDIVIDUALS" SHOULD BE MENTIONED IN IMPLEMENTATION ARTICLE. ON THE POSITIVE SIDE, CZECHOSLOVAKS CAME VERY FAR TOWARD MEETING U.S. REQUESTS ON KEY ISSUES OF ACCESS TO CULTURAL CENTERS AND DISTRIBUTION OF PUBLICATIONS. NEXT MEETING SCHEDULED FOR NOV 5. EMBASSY WOULD APPRECIATE DEPARTMENT'S REPLY TO THIS CABLE BY COB NOVEMBER

1. END SUMMARY.

2. PREAMBLE: GOC NEGOTIATOR VEHEMENTLY CRITICIZED THE NUMBER OF TEXTUAL CHANGES SOUGHT BY U.S. SIDE "AT THIS LATE DATE." HE ATTACKED U.S. SUGGESTION THAT SUBJECTS OF COOPERATION BE LISTED IN ALPHABETICAL ORDER IN TITLE AND PREAMBLE (REF A). HE SAW IN U.S. SUGGESTION AN ATTEMPT TO GIVE MORE WEIGHT TO CULTURAL AND EDUCATIONAL EXCHANGES THAN TO SCIENTIFIC AND TECHNOLOGICAL ONES AND, ARGUING THAT OUTLINE HAD BEEN "APPROVED" MARCH 18, CHARGED US WITH TAMPERING WITH "AGREED-UPON LANGUAGE."

--AN ACCUSATION AMBASSADOR VIGOROUSLY REJECTED NOTING THAT

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ALL FORMULATIONS DISCUSSED TO DATE HAVE BEEN CONSIDERED AD

REFERENDUM. ZEMLA'S MAIN CONCERN WAS THAT WE MIGHT TDY TO REPOSITION CULTURE AND EDUCATION SECTION TO APPEAR IMMEDIATELY AFTER PREAMBLE AND BEFORE SCIENCE AND TECHNOLOGY. WE STATED OUR PREFERENCE FOR ALPHABETICAL SUBJECT ORDER PER INSTRUCTION REF A, BUT SAID WE MIGHT BE SATISFIED TO LEAVE SECTION ON "SCIENCE AND TECHNOLOGY" FIRST, AFTER PREAMBLE, IF GOC REQUIRED IT. FYI: U.S. SIDE DID AGREE IN PRINCIPLE TO GOC-PROPOSED CHAPTER HEADINGS AT MEETINGS OF APRIL 6, BUT WITH RESERVATION THAT LANGUAGE BE HELD AD REFERENDUM. END FYI. ZEMLA FINALLY AGREED TO "CONSIDER" ALPHABETICAL LISTING OF FIELDS OF COOPERATION IN PREAMBLE, "ON THE CONDITION" THAT U.S. WOULD AGREE TO LET SCIENCE AND TECHNOLOGY STAND AS THE FIRST SECTION AFTER PREAMBLE. EMBASSY NOTES THAT IN PREAMBLE WE HAVE USED WORD "TECHNOLOGY," BUT THE ADJECTIVE "TECHNICAL" HAS BEEN USED ALMOST THROUGHOUT THE TEXT. DOES DEPARTMENT PERCEIVE ANY OBJECTION TO THIS; IN PARTICULAR, SHOULD ADJECTIVAL FORM "TECHNOLOGICAL" BE USED IN THE TITLE OF AGREEMENT?

3. SCIENCE AND TECHNOLOGY: ARTICLE 1. ZEMLA AGAIN CHARGED US WITH RENEGING ON LANGUAGE ALREADY AGREED UPON, WHEN HE READ REVISION OF ARTICLE 1 (CONTAINED IN REF A PARA 3). WE EMPHASIZED THAT WE WERE MERELY TRYING TO IMPROVE UPON THE FORM OF THE TEXT AND DID NOT REGARD CHANGES AS SUBSTANTIVE. ZEMLA HELD FIRMLY THAT TO CHANGE LANGUAGE OF ARTICLE 1 WAS UNNECESSARY AND POINTED OUT THAT IT WAS ESSENTIALLY OURS ORIGINALLY. WE NONETHELESS ASKED HIM TO LOOK AT OUR REVISION CAAEFULLY FOR NEXT MEETING.

4. SCHOLARSHIPS: PREDICTABLY, CZECHS REPEATED THEIR NEED TO HAVE SOME MENTION OF "SCHOLARSHIPS" IN SCIENCE AND TECHNOLOGY SECTION. AFTER DISCUSSION, BOTH SIDES AGREED TO CONSIDER POSSIBILITY OF REFERENCE TO "STUDY GRANTS," OR OTHER SUCH WORDING, WHICH CZECHS CONSIDER ESSENTIAL. ACTION REQUESTED: WE FRANKLY DO NOT UNDERSTAND WHY DEPARTMENT IS SO OPPOSED TO REFERENCE TO SCHOLARSHIPS IN S&T SECTION AS POINTED OUT REF B PARA 3. THIS IS ONE AREA IN WHICH CZECHS REQUIRE SATISFACTORY PHRASEOLOGY. COULD WE NOT EITHER SIMPLY REPEAT LANGUAGE ON SCHOLARSHIPS FROM EDUCATIONAL SECTION IN SCIENTIFIC SECTION AS WELL, OR INCLUDE A REFERENCE TO EXCHANGE OF "STUDY GRANTS" IN S&T? WE BELIEVE SOME FLEXIBILITY ON THIS

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POINT WOULD BE USEFUL IN HELPING US NAIL DOWN FINAL COMPROMISES SOUGHT BY OUR SIDE.

5. PATENTS AND LICENSING: GOC SIDE REPEATED DESIRE TO INCLUDE REFERENCE TO "PATENTS AND LICENSES," CITING MUTUAL BENEFITS WHICH COOPERATION IN THIS AREA WOULD BRING. U.S. SIDE LINKED ACCEPTANCE OF SUCH A REFERENCE TO CZECHOSLOVAK COOPERATION ON "CULTURAL CENTERS" IN OTHER SIDE OF AGREEMENT.

THE GOC SIDE "TOOK NOTE" OF THIS LINKAGE. PROPOSAL IS STILL ON TABLE.

6. DEPARTMENT'S MINOR REVISION OF ARTICLE 1, PARA "G" TO READ "AS MAY BE AGREED" (REF A, PARA 3) WAS ACCEPTED WITHOUT DEBATE.

7. S&T: ARTICLE 2. CZECHOSLOVAK SIDE ALSO STRONGLY OBJECTED TO REVISION OF ARTICLE 2(REF A, PARA 3). NOTING THAT FEDERAL MINISTRY OF TECHNOLOGY AND INVESTMENT WOULD BE THE "COORDINATOR" OF IMPLEMENTATION ON THE GOC SIDE, ZEMLA SAID ARTICLE MUST CONTAIN IMPLICIT REFERENCE TO FMTIR: THIS IS WHY TERM "ORGAN" HAD BEEN INCLUDED IN GOC DRAFT. WE SUGGESTED "AGENCY" MIGHT BE CONSTRUED TO COVER FMTIR. ZEMLA ALSO REGRETTED THAT THE WORD "FIRMS" HAD BEEN OMITTED. WHEN WE COUNTERED WITH ARGUMENT THAT WE HAD LITTLE INFLUENCE OVER BEHAVIOR OF U.S. FIRMS OVERSEAS, ZEMLA DEMURRED. HE SUGGESTED WE HAD EVEN LESS INFLUENCE, PERHAPS, OVER PRIVATE INDIVIDUALS, BUT WERE WILLING TO "ENCOURAGE AND FACILITATE" EXCHANGES BETWEEN THEM, SO WHY NOT BETWEEN FIRMS? THOUGH WE QUESTION ZEMLA'S LOGIC, WE DO BELIEVE THAT A MENTION OF FIRMS WOULD NB BE IN ORDER. ACCOMPANIED BY A STATEMENT FOR THE RECORD--AS WE HAVE ALREADY REPEATEDLY STATED--THAT THIS IS NOT TO BE AN INDUSTRIAL COOPERATION AGREEMENT.

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FYI: ZEMLA HAS NEVER TAKEN ISSUE WITH LATTER POINT. END FYI.
ACTION REQUESTED: WE SEE LITTLE REASON TO ARGUE OVER GOC ARTICLE 2, WHICH SEEMS GENERALLY TO MEET OUR NEEDS AND FOR WHICH WE BELIEVE

ZEMLA TAKES PRIDE OF AUTHROSHIP. ON THE OTHER HAND, WE BELIEVE DEPARTMENT'S REVISED ARTICLE 1 IS CLEAR IMPROVEMENT OVER THE REPETITIVE, COMPROMISE ARTICLE 1 TEXT IT IS INTENDED TO REPLACE. REQUEST DEPARTMENT'S OPINION ON ACCEPTING GOC ARTICLE 2, IF CZECHS ACCEPT U.S. DRAFT ARTICLE 1. IF CZECHS DO NOT ACCEPT U.S. DRAFT ARTICLE 1 AND INSTEAD INSIST ON RETAINING THE OLD COMPROMISE FORMULATION, U.S. SIDE SHOULD PROBABLY PRESS FOR A CORRESPONDINGLY LONGER LEAD ARTICLE IN SECTION II, (ARTICLL 3), FOR THE SAKE OF SYMMETRY. REQUEST DEPARTMENT'S VIEWS.

8. COORDINATION OF S&T IMPLEMENTATION BY U.S.: AS MENTIONED PRECEDING PARAGRAPH, GOC NEGOTIATOR SAID FEDERAL MINISTRY FOR TECHNOLOGY AND INVESTMENTS WOULD COORDINATE IMPLEMENTATION OF S&T PORTION OF AGREEMENT ON CSSR SIDE. ZEMLA ASKED US TO EXPLAIN WHICH U.S. AGENCY WOULD COORDINATE IMPLEMENTATION ON U.S. SIDE, AND WAS NOT SATISFIED WITH OUR ANSWER. IN BACKGROUND OF CZECH EFFORT TO CLARIFY THIS POINT MAY BE LINGERING SUSPICION THAT WITHOUT A JOINT COMMISSION SUCH DESIRED ITEMS AS SCHOLARSHIPS MAY NOT BE FORTHCOMING. ACTION REQUESTED: PLEASE ADVISE WHICH OFFICE OR OFFICES OF USG OR PRIVATE ORGANIZATIONS DEPARTMENT PRESUMES WOULD TAKE CHARGE OF DAY-TO-DAY COORDINATION OF IMPLEMENTATION OF THE AGREEMENT.

9. CULTURE AND EDUCATION: AMBASSADOR NOTED THAT U.S. HAD CONFIDENTIAL

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DROPPED INSISTENCE ON EXPLICIT MENTION OF "HUMANITIES AND SOCIAL SCIENCES" IN PREAMBULAR LANGUAGE OF CULTURAL AND EDUCATIONAL SECTION. ZEMLA OBJECTED TO "THE ARTS" BEING LISTED--ALPHABETICALLY- AHEAD OF "CULTURE," WHICH HE TERMED A "LARGER AND MORE ALL-INCLUSIVE CONCEPT." BOTH SIDES AGREED TO CONSIDER DROPPING "ARTS" ENTIRELY. ACTION REQUESTED: WOULD DEPARTMENT CONNSSENT TO THIS CHANGE?

10. GOC SIDE ASKED THAT "MUTUALLY BENEFICIAL" BE ADDED TO C&E PREAMBULAR PARAGRAPH AND THAT PHRASE "OF INTELLECTUAL ENDEAVOR," --WHICH ZEMLA SAID "MEANT NOTHING" IN CZECH--BE DROPPED. RESULTING TEXT WOULD READ AS FOLLOWS: "THE CONTRACTING PARTIES WILL ENCOURAGE EXCHANGES AND COOPERATION IN CULTURE, EDUCATION, ALL FIELDS OF UNIVERSITY STUDY AND OTHER AREAS BY PROVIDING OPPORTUNITIES FOR AND FACILITATING APPROPRIATE CONTACTS AND ACTIVITIES BETWEEN INSTITUTIONS AND INDIVIDUALS OF THE TWO COUNTRIES." DOES DEPARTMENT APPROVE.

11. STUDENTS: GOC SIDE WAS SATISFIED WITH TERM "ADVANCED STUDENTS," BUT WARNED THAT GOC POLICY WITH REGARD TO SENDING AND ACCEPTING OF UNDERGRADUATES WOULD NOT CHANGE.

12. PERIODICALS AND PUBLICATIONS: CZECHOSLOVAKS ACCEPTED AD REFERENDUM THE FOLLOWING REVISION OF ARTICLE 3, PARA D:

"EXCHANGE OF BOOKS, PERIODICALS AND OTHER PUBLICATIONS OF GENERAL INTEREST." EMBASSY IS OF OPINION THAT OMISSION SUGGESTED BY GOC OF REMAINDER OF THE SENTENCE, "DESIGNED TO INCREASE KNOWLEDGE OF THE PEOPLES AND CULTURES OF THE TWO COUNTRIES," ACTUALLY STRENGTHENS RATHER THAN WEAKENS THE TEXT. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF REVISION QUOTED ABOVE. WE WOULD REGARD THIS TEXT AS A SATISFACTORY COMPROMISE IMPLICITLY COVERING DISTRIBUTION OF NEWSPAPERS--A NEURALGIC POINT FOR THE CZECHS. DOES DEPARTMENT CONCUR?

13. GOC SIDE ACCEPTED "STUDY OF THE LANGUAGE OF THE OTHER COUNTRY," TO REPLACE "TEACHING OF THE LANGUAGE OF THE OTHER PARTY," ON THE UNDERSTANDING THAT LECTURERS IN THE LANGUAGE WOULD BE EXCHANGED AS NECESSARY TO TEACH.

14. CULTURAL CENTERS: GOC SIDE DID NOT MUCH CARE FOR OUR MENTION OF "EMBASSY-OPERATED FACILITIES." THEY SUGGESTED
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INSTEAD: "FACILITATING ACCESS TO LIBRARIES, READING ROOMS, EXISTING CULTURAL INSTITUTIONS AND CENTERS AS WELL AS TO MUSEUMS AND ARCHIVES IN ACCORDANCE WITH RESPECTIVE LEGAL REGULATIONS OF BOTH COUNTRIES." WE NOTED LATTER POINT IS COVERED IN ARTICLE 9 OF THE DRAFT AGREEMENT. ZEMLA ACKNOWLEDGED THIS, BUT PRESSED FOR RETENTION OF THE FORMULATION. ZEMLA LATTER OFFERED TO DROP "LEGAL" FROM THE ABOVE, BUT WE THINK IT PREFERABLE EITHER TO DROP THE ENTIRE PHRASE BEGINNING "...IN ACCORDANCE," OR ELSE TO LEAVE "LEGAL" IN PLACE. WE ALSO WOULD PREFER TO OMIT "EXISTING" ALTHOUGH ZEMLA HAS A POINT IN STRESSING THAT ACCESS CANNOT BE GRANTED TO CULTURAL CENTERS WHICH DO NOT EXIST. PICKING UP HIS POINT, WE SHALL ARGUE THAT "EXISTING" IS REDUNDANT OR SELF-EVIDENT AND CAN THUS BE DISCARDED. WE THINK NEW CZECH TEXT REPRESENTS SIGNIFICANT IMPROVEMENT, IN THAT CULTURAL CENTERS ARE SPECIFICALLY MENTIONED, THOUGH IT DOES NOT INDICATE WILLINGNESS ON GOC'S PART TO ALLOW US TO OPEN A CENTER OF OUR OWN ANY TIME SOON. ACTION REQUESTED: PLEASE ADVISE WHETHER WE CAN ACCEPT GOC TEXT AS IT STANDS OR SUGGEST CHANGES.

15. MEDIA COOPERATION: GOC SIDE WANTED "COOPERATION AND EXCHANGES" MENTIONED, NOT MERELY "COOPERATION." CZECHS AGREED IT WAS NOT NECESSARY TO MENTION "SCIENTIFIC" FILMS, AS THEY WOULD BE COVERED IN S&T SECTION. CZECHS NOTED OUR OMISSION OF REFERENCE TO "FILM WEEKS," WHICH WE DEFENDED BY SAYING USG ITSELF DID NOT GET INVOLVED IN SUCH EVENTS. ACTION REQUESTED: GOC WOULD LIKE SOME MENTION OF "FILM WEEKS." WE BELIEVE THE MENTION IS JUSTIFIED, PARTICULARLY SINCE THERE IS SOME POSSIBILITY WE COULD SHOW MORE AMERICAN FILMS HERE, ON THE OTHER HAND, WE CAN AGAIN MAKE POINT FOR THE RECORD THAT FILM WEEKS ARE NOT VERY MUCH A PART OF CULTURAL LIFE IN THE U.S.

PLEASE ADVISE. OTHER PORTIONS OF FIRST TWO PARAGRAPHS ON MEDIA
COOPERATION PRESENTED NO MAJOR PROBLEMS.

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16. NEWSPAPERS: GOC SIDE STRONGLY OBJECTED TO OUR MENTION
OF "NEWSPAPERS" IN ARTICLE 4, PARA C AND SAID THAT THE
ENTIRE PARAGRAPH WAS UNNECESSARY BECAUSE IT REPEATED
ARTICLE 3, PARA "D". WHILE WE THINK THE LANGUAGE OF "D"
AS IT STANDS (SEE PARA 12 ABOVE) WOULD BE ACCEPTABLE
MINIMUM, WE INTEND TO CONTINUE PRESSING FOR A MENTION
OF INCREASED INFORMATION EXCHANGE IN THE ARTICLE ON MEDIA COOPERATION

,
AS WELL AS IN THE PRECEDING ARTICLE 3. WHILE WE HAVE NOT THE
SLIGHTEST EXPECTATION THAT THE GOC WILL ACCEPT AN EXPLICIT
REFERENCE TO "NEWSPAPERS" OR "PUBLIC DISTRIBUTION" OF PERIODICALS,
WE WILL PRESS HARD FOR THE BEST LANGUAGE WE CAN GET.

17. HEALTH CARE: THIS ITEM--I.E., ARTICLE 5-- IS STILL IN
BRACKETS, NOT HAVING BEEN ACCEPTED BY U.S. SIDE, BUT CZECHOSLOVAKS
VOICED NO OBJECTION TO OUR DRAFT FORMULATION AS IT STANDS.

18. GOC SIDE DID NOT OBJECT OUTRIGHT TO ARTICLE ON TOURISM, BUT
INDICATED IN PASSING THAT THEY MIGHT WANT LINKAGE BETWEEN IT AND
HEALTH SERVICES. WE CONTINUE TO LINK HEALTH SERVICES TO GOC
ACCEPTANCE OF "NEWSPAPERS" OR EQUIVALENT.

19. GENERAL AND FINAL PROVISIONS: IMPLEMENTATION ARTICLE.
DR. ZEMLA ASKED THAT , AS SPORTS, MEDIA AND POSSIBLY HEALTH
SERVICES AS WELL AS TOURISM WERE LIKELY TO BE MENTIONED UNDER

THE BROAD HEADING OF CULTURE, EDUCATION AND OTHER FIELDS, THE
LANGUAGE OF PARA "E" OF IMPLEMENTATION ARTICLE BE AMENDED
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TO READ, "...EXCHANGES AND COOPERATION IN THE FIELD OF
CULTURE, EDUCATION AND OTHER AREAS, AND IN THE FIELD OF SCIENCE
AND TECHNOLOGY." WE BELIEVE THIS IS A DESIRABLE CHANGE, SINCE
IT SOMEWHAT EXPANDS REFERENCE TO CULTURE/EDUCATION WHILE
LEAVING LANGUAGE ON S&T UNTOUCHED.

20. INDIVIDUALS: REFERRING TO WHAT DEPUTY FOREIGN MINISTER
SPACIL TOLD AMBASSADOR AND USIA VISITING ASSISTANT DIRECTOR
SHIRLEY SEPT 29 (PRAGUE 2848), DR. ZEMLA REITERATED GOC
OBJECTION TO INCLUDING LANGUAGE ON "INDIVIDUALS" IN ANY
FORMULATION WHICH WOULD GIVE PRIVATE PERSONS INIATIVE IN
SETTING UP EXCHANGES.

21. RESPECT FOR LAWS AND REGULATIONS: ZEMLA ACCEPTED U.S.
MENTION OF CONSTITUTION IN ARTICLE 9, BUT ASKED FOR EXACT
LEGAL REASON FOR SUCH MENTION. ACTION REQUESTED: CAN
DEPARTMENT LEGAL ADVISER ANSWER THIS QUESTION
FOR OUR NEXT SESSION NOV 5?

22.
DURATION OF AGREEMENT: BOTH SIDES REPEATED ARGUMENTS

ABOUT TERM OF AGREEMENT. ZEMLA ASKED WHETHER U.S. SIDE
COULD ACCEPT CONTINUING AUTOMATIC RENEWALS OF TWO YEARS EACH.
ACTION REQUESTED: MAY WE BE AUTHORIZED TO OFFER TWO-YEAR
AGREEMENT, AUTOMATICALLY RENEWABLE THEREAFTER EVERY TWO
YEARS--RATHER THAN ONLY ONCE? WE BELIEVE SAFEGUARD OF SIX-
MONTH TERMINATION ADEQUATERLY PROTECTS U.S.

23. WE WOULD APPRECIATE DEPARTMENT'S RESPONSE TO THIS
MESSAGE NO LATER THAN COB NOVEMBER 1.

24. COMMENT: THESE NEGOTIATIONS ARE CLEARLY APPROACHING A
CONCLUSION. AFTER PROTRACTED AND OFTEN DIFFICULT DISCUSSIONS,
WE BELIEVE AN AGREEMENT ADEQUATELY ADVANCING U.S. INTERESTS IS
TAKING SHAPE--ONE THAT IS FULLY IN LINE WITH THE CSCE FINAL ACT
(AND EVEN GOES BEYOND IT IN SOME RESPECTS) AS WELL AS WITH
EXCHANGE ACCORDS WITH OTHER EE STATES. WE ARE PARTICULARLY
PLEASED WITH CZECHOSLOVAKS' OCT 22 TABLING OF FORMULATIONS
EXPLICITLY MENTIONING "CULTURAL CENTERS" AND "EXCHANGE OF
...PUBLICATIONS OF GENERAL INTEREST"--A USEFUL IMPLICIT REFERENCE
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TO NEWSPAPERS. WE HAVE REPEATEDLY HINTED TO GOC SIDE
THAT WE MIGHT SHOW FLEXIBILITY ON REFERENCES TO "PATENTS AND
LICENSING" AND "HEALTH CARE", IF WE RECEIVED SATISFACTION ON
"CULTURAL CENTERS" AND "NEWSPAPERS" RESPECTIVELY. WE WOULD,
THEREFORE, BE ESPECIALLY INTERESTED IN LEARNING DEPARTMENT'S
VIEWS RE CURRENT GOC-APPROVED FORMULATIONS ON LATTER TOPICS AND
WHETHER WE MAY NOW ACCEPT THEM. WE ARE PREPARED TO
ARGUE AS LONG AS NECESSARY FOR CHANGES PREFERRED BY DEPARTMENT,
BUT IT SHOULD BE UNDERSTOOD THAT IT IS DOUBTLESS BECOMING
INCREASINGLY DIFFICULT FOR ZEMLA TO CONTINUE TURNING TO HIGHER
GOC AUTHORITIES FOR FURTHER ALTERATIONS OF THE AGREEMENT.
REACHING ANY AGREEMENT AT ALL IS OF COURSE CONTINGENT UPON
SOLVING ISSUE OF "INDIVIDUALS," WHICH WE WILL ADDRESS IN SEPTTEL.
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